

## **POSSIBLE CHANGES TO REGULATIONS SCUP**

### **What is being considered?**

The department would like to remove the specific language regarding trawl mesh size requirements and replace it with a statement that the mesh requirements are set by the Atlantic States Marine Fisheries Commission and will be announced by public notice.

The department would also like to update the public notice language to be consistent with other species managed by a fishery management plan. This will include publishing the notice on the department's website, notification at least 48 hours in advance, and dissemination of the notice in other manners (text, social media, email, and the Maryland Register).

### **Why is this change necessary?**

The Atlantic States Marine Fisheries Commission sets a threshold for when a certain sized mesh is required for a commercial harvester to keep a certain amount of scup. That threshold changes periodically. Rather than having misinformation in regulation, the department would announce the threshold by public notice before the start of the season. This change will keep Maryland in compliance with the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and consistent with federal waters.

The department has a specific format for how public notices are issued when rules are established or changed to implement a fishery management plan. The format for public notices issued to implement the Atlantic States Marine Fisheries Commission Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan has not been updated for scup. This change will make scup consistent with other species.

### **Definition of Threshold**

The mesh size of a net determines what size fish are captured by a net. The larger the mesh size, the larger the size of the fish that are retained by the net. Mesh size regulations are used to decrease retention of fish smaller than the legal size. The goal is to retain only legal size fish. Trawl catch mesh thresholds are put into place to decrease by catch of sub-legal fish. Only a small incidental catch of the target species is allowed to be retained before a required mesh size is regulated to be used. The threshold is that amount of fish that may be retained before the required mesh size or larger must be used.

### **Who will this affect?**

Commercial harvesters

### **When will this be effective?**

The department expects this change to be effective in the summer of 2020, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (October 25—November 10). During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy. If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the Department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

**Has this change been discussed with advisory commissions?**

The threshold change was discussed with commercial watermen attending the September 27, 2019 Coastal Commercial Fisheries Forum and a federal dealer. There were no objections to this idea. The change was scoped at the Sport Fisheries Advisory Commission meeting on October 22, 2019 and at the Tidal Fisheries Advisory Commission meeting on October 24, 2019.